

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Reyna Narez, et al.,

NO. C 09-00090 JW

Plaintiffs,

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION; DISMISSING  
WITHOUT PREJUDICE**

v.

NDEX West, LLC, et al.,

Defendants.

Presently before the Court is a Report and Recommendation from Magistrate Judge Lloyd recommending dismissal of this action pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. (Order that Case be Reassigned to a District Court Judge, Report and Recommendation, hereafter, "Recommendation," Docket Item No. 16.)

The duties of the district court in connection with a report and recommendation of a magistrate judge are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Any party may serve and file specific written objections to a magistrate judge's report and recommendation within ten (10) working days after being served with a copy. See 28 U.S.C. § 636 (b)(1)(C); Fed. R. Civ. P. 72(b); Civ. L.R. 72-3.

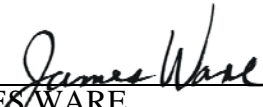
When the parties object to a report and recommendation, the district court "shall make a *de novo* determination of those portions of the [report and recommendation ] to which objection is made." 28 U.S.C. § 636(b)(1); see United States v. Raddatz, 447 U.S. 667, 676 (1980). When no objections are filed, the district court need not review the report and recommendation *de novo*. Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir. 2005); United States v. Reyna-Tapia, 328 F.3d

1 1114, 1121-22 (9th Cir. 2003) (*en banc*). A district court may “accept, reject, or modify, in whole or  
2 in part, the findings or recommendations made by the magistrate judge.” Fed. R. Civ. P. 72(b); 28  
3 U.S.C. § 636(b)(1).

4 To date, no objection to Judge Lloyd’s recommendation has been filed. Upon review of the  
5 recommendation and the procedural history in this matter, the Court ADOPTS Judge Lloyd’s report  
6 and recommendation and DISMISSES Plaintiffs’ Complaint for lack of prosecution without  
7 prejudice.

8 Each party shall bear their own fees and costs. The Clerk shall close this file.

9  
10 Dated: June 16, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

John M. Sorich jsorich@adorno.com  
Mitchell W. Roth fedfilings@mwroth.com  
Sung-Min Christopher Yoo cyoo@adorno.com

**Dated: June 16, 2009**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**